

**COMMONWEALTH OF KENTUCKY
EXECUTIVE BRANCH ETHICS COMMISSION
CASE NO. 11-006**

**IN RE: TIM HIBBARD
ALLEGED VIOLATION OF KRS CHAPTER 11A**

**INITIATING ORDER
Initiation of Administrative Proceeding
And Formal Complaint**

The Executive Branch Ethics Commission (the “Commission”), upon its own motion, initiated a preliminary investigation of Tim Hibbard (the “Respondent”), pursuant to KRS 11A.080(1), on May 9, 2011.

At all relevant times the Respondent was a “public servant” as defined in KRS 11A.010(9), and thus subject to the jurisdiction of the Commission.

The Commission initiated the preliminary investigation to determine whether it has sufficient probable cause to believe the Respondent violated provisions of KRS Chapter 11A (also referred to herein as the “Ethics Code”).

The Commission focused its investigation upon the Respondent’s possible violation of the Ethics Code by using his official position to give members of his family and friends a financial gain and an advantage in derogation of the public interest at large; and using his official position to secure or create privileges, exemptions, advantages, or treatment for others in derogation of the public interest.

The Commission notified the Respondent of the preliminary investigation by letter dated May 11, 2011. During the course of the investigation, the Commission found probable cause to believe that violations of KRS Chapter 11A had occurred and voted on July 11, 2011, to initiate an administrative proceeding, pursuant to KRS 11A.080(4)(b) and KRS Chapter 13B, to determine whether the Respondent violated the Ethics Code as set forth in the Allegations of

Violations, attached hereto and incorporated fully herein as Appendix A to this Initiating Order.

IT IS THEREFORE ORDERED that:

1. The Respondent shall file his answer to this Initiating Order within twenty (20) days from the date of service, verifying the truth and accuracy of any answer submitted.

2. The Respondent shall appear at a hearing to be scheduled by subsequent order and be prepared to defend against the Commission's allegations that he committed the Ethics Code violations set forth in the Allegation of Violations, attached hereto and incorporated fully herein as Appendix A to this Initiating Order.

3. A Hearing Officer will be designated by the Administrative Hearings Branch of the Office of the Attorney General, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601-8204.

4. The Commission is represented by Kathryn H. Gabhart, General Counsel, and John R. Steffen, Executive Director. They may be contacted through the Commission's office at (502) 564-7954.

5. All original material shall be submitted to the Executive Branch Ethics Commission, #3 Fountain Place, Frankfort, Kentucky 40601. A copy of all materials shall be served on the designated Hearing Officer at the Office of the Attorney General, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601-8204.

6. The Respondent has the right to legal counsel during this proceeding. If the Respondent retains legal counsel, that person shall file an appearance with the Commission, and thereafter all correspondence from the Commission to the Respondent shall be mailed or delivered to the Respondent's attorney.

7. The Respondent has the right to examine upon request, at least five (5) days prior to the hearing, a list of witnesses the Commission expects to call at the hearing, any evidence

that will be used at the hearing and any exculpatory information in the Commission's possession.

8. The Respondent has the right to subpoena witnesses on his own behalf. If the Respondent subpoenas witnesses, he shall pay for all costs associated with the subpoenas' issuance, including any applicable witness fees.

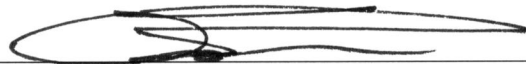
9. If the Respondent fails to attend or participate as required at any stage of the administrative hearing process without good cause shown, he may be held in default pursuant to KRS 13B.050(3)(h).

10. The Respondent has a right to appeal any final Commission order to the Franklin Circuit Court within thirty (30) days of service.

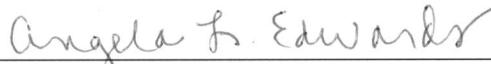
11. This proceeding is subject to KRS Chapter 11A, the Commission's regulations, the provisions of KRS Chapter 13B, and any Order issued by the Commission or its hearing officer issued during this administrative proceeding.

So ordered this 11th day of July 2011.

EXECUTIVE BRANCH ETHICS COMMISSION:



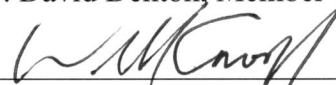
Ronald L. Green, Chair



Angela Edwards, Vice-Chair

Absent

W. David Denton, Member



William L. Knopf, Member



William G. Francis, Member

**APPENDIX A
CASE NO. 11-006
INITIATING ORDER**

ALLEGATION OF VIOLATIONS

The Respondent, Tim Hibbard, was at all relevant times an employee of the Commonwealth of Kentucky, serving in the Tourism, Arts and Heritage Cabinet for the Department of Parks. As such, the Respondent was subject to the jurisdiction of the Commission. KRS 11A.010(9)(h).

During the course of its preliminary investigation, the Commission found probable cause to believe that Tim Hibbard committed the following violations:

COUNT I

Tim Hibbard, during his course of employment as a Resort Park Manager II with the Tourism, Arts and Heritage Cabinet for the Department of Parks, used his official position to obtain financial gain for others and to secure or create privileges, exemptions, advantages, or treatment for others in derogation of the public interest at large.

Specifically, Hibbard provided exceptionally discounted rates to General Butler State Resort Park Lodge to his family members and friends on five separate occasions during 2009 and 2010 that resulted in total lost revenue for the Lodge of \$698.55. Such discounted rates were not allowed by any existing policies of the Lodge, the Tourism, Arts and Heritage Cabinet, or the Department of Parks. The five separate occasions are as follows:

(1) On October 13, 2009, Mr. Hibbard provided a discounted rate to Paige Thompson, a personal acquaintance, for her family member, Marilyn Hubert, for a three-night stay for her family at a rate of \$39.00 per night for a two-bedroom cottage. The regular rate for this period was \$134.95 per night, resulting in total lost revenue of \$287.85;

(2) On November 7, 2009, Mr. Hibbard provided a discounted rate to Ronda Kanatzar, Mr. Hibbard's sister, for a one-night stay at a rate of \$29.00 per room for two lodge rooms. The regular rate for this period was \$59.95 per night per room, resulting in total lost revenue of \$61.90;

(3) On November 26, 2009, Mr. Hibbard provided a discounted rate to Ms. Kanatzar for a one-night stay at a rate of \$29.00 per room for two lodge rooms. The regular rate for this period was \$59.95 per night per room, resulting in total lost revenue of \$61.90;

(4) On April 3, 2010, Mr. Hibbard provided a discounted rate to Ms. Kanatzar for a one-night stay at a rate of \$39.00 for a three-bedroom executive cottage. The regular rate for this period was \$199.95 per night, resulting in total lost revenue of \$160.95; and

(5) On September 5, 2010, Mr. Hibbard provided a discounted rate to Kim Molloy, a personal acquaintance, for a one-night stay for her family at a rate of \$39.00 per night for a two-bedroom cottage. The regular rate for this period was \$164.95 per night, resulting in total lost revenue of \$125.95.

These facts constitute violations of KRS 11A.020(1)(c) and (d).

KRS 11A.020(1)(c) and (d) provide:

(1) No public servant, by himself or through others, shall knowingly:

(c) Use his official position or office to obtain financial gain for himself or any members of the public servant's family; or

(d) Use or attempt to use his official position to secure or create privileges, exemptions, advantages, or treatment for himself or others in derogation of the public interest at large.

(End of document)